

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICHAEL EUGENE BLACK,)
Plaintiff,)
v.) 2:12-CV-0633-LSC-PWG
WARDEN FREDDIE BUTLER, et al.,)
Defendants.)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on October 22, 2013, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on November 12, 2013.

The plaintiff objects to the finding of the magistrate judge that he failed to submit any evidence to support his claim that Warden Butler, Officer Pearce and other guards are part of a conspiracy, “to hinder/avoid my appeal of my wrongful conviction and deny me “due process of law and to stall/avoid the investigation by the State of Alabama Attorney General’s office into my being “set up”/framed and cover up a fraud in a related case in Colbert County Circuit Judge Harold Hughston’s Court.” (Doc. 11, p.1) The plaintiff provides a summary of his mental health appointments and experiences with Dr. Damone as support for his continued claim against the defendants. These additional facts fail to support the plaintiff’s claim that the defendants have conspired to hinder the appeal of his criminal case.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is

ACCEPTED. Accordingly, the complaint is due to be dismissed pursuant to 28 U.S.C. § 1915A(b).

A Final Judgment will be entered.

Done this 19th day of November 2013.



L. SCOTT COOGLER
UNITED STATES DISTRICT JUDGE
[160704]